

Hon. Thomas P. Griesa
Civil Action File No. 07-civ-4843

John G. Campbell, Esq.
Office of the Solicitor
U.S. Department of Labor
201 Varick Street, Room 983
New York, New York 10014
Tel. 212-337-2111
JC(2125)

SOL:JC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

ORBITEK FINANCIAL SERVICES GROUP, INC
401(K) PLAN,

Defendant.

REQUEST TO ENTER DEFAULT AGAINST
DEFENDANT ORBITEX FINANCIAL SERVICES GROUP, INC
401(K) PLAN

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK:

As provided by Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests the entry of default against defendant Orbitex Financial Services Group, Inc 401(K) Plan for failure to plead or otherwise defend in an action in which it

has been properly served with the Summons and Complaint, as described in the annexed Notice of Service.

Dated: July 19, 2007
New York, New York

JONATHAN L. SNARE
Acting Solicitor of Labor

PATRICIA M. RODENHAUSEN
Regional Solicitor

By: */s/ John G. Campbell*
JOHN CAMPBELL
Attorney (JC-2125)

U.S. DEPARTMENT OF LABOR,
Attorneys for Plaintiff.

POST OFFICE ADDRESS:

Patricia M. Rodenhausen
Regional Solicitor
U.S. Department of Labor
201 Varick Street, Room 983
New York, New York 10014
Tel. 212-337-2581

John Campbell, Esq.
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New York, New York 10014
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SOL:JC
(06)03007

UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

ORBITEX FINANCIAL SERVICES GROUP, INC
401(K) PLAN,

Defendant.

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:

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Civil Action File

No. 07-4843

SERVICE NOTICE

PLEASE TAKE NOTE that Elaine L. Chao, Secretary of Labor, United States Department of Labor, the Plaintiff in this matter, tells the Court that she has effected service on the Defendant Orbitex Financial Services Group, Inc. 401(k) Plan as follows:

1. The Secretary's Investigators have left copies of the summons and complaint at the residence for the last known administrator of the Defendant, as described in the Return of Service Form attached hereto as Exhibit A; and,

2. Copies of the summons and complaint for this matter have been mailed to the last known administrator of the Defendant, as described in the Certificate of Service attached hereto as Exhibit B.

DATED: June 18, 2007
New York, New York

PATRICIA M.R ODENHAUSEN
Regional Solicitor

BY: *John G. Campbell*
JOHN G. CAMPBELL
Attorney JC (2125)

POST OFFICE ADDRESS:

U.S. Department of Labor
Office of the Solicitor
201 Varick Street, Room 983
New York, New York 10014
(212) 337-2078/2111
FAX (212) 337-2112

EXHIBIT A

AO 44 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me¹

DATE

6/12/07 6:50 PM

NAME OF SERVER (PRINT)

Bernard Dolinsky

TITLE

Senior Investigator

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.Name of person with whom the summons and complaint were left: Raul Aleman - Doorman77-Seventh Ave - NYC - 212-929-0692☐ Returned unexecuted: _____☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

6/12/07

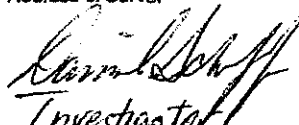
Date

RL RL

Signature of Server

US DOJ/EBSA
33 Whitehill St, NYC

Address of Server


Investigator
June 12, 2007

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

John Campbell, Esq.
Office of the Solicitor
U.S. Department of Labor
201 Varick Street, Room 983
New York, New York 10014
Tel. 212-337-2111

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(06)03007

UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor,
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Plaintiff,

v.

ORBITEX FINANCIAL SERVICES GROUP, INC
401(K) PLAN,

Defendant.

:
:
: Civil Action File
:
: No. 07-4843
:
: **CERTIFICATE OF MAIL**
: **SERVICE**

I, TAMMY LOWERY, being duly sworn, hereby declare the following under penalty of perjury:

1. I am employed by the U.S. Department of Labor, Office of the Solicitor, at 201 Varick Street, Room 983, New York, New York 10014.

2. On Thursday, June 14, 2007, I mailed via regular mail copies of the Summons and Complaint for this matter to Mitchell Appel at 77 Seventh Avenue, New York, New York 10011.

I mailed these documents to that address in a securely sealed first class mail envelope.

Dated: June 18, 2007
New York, New York

/s/ 